

IN THE SENATE OF THE UNITED STATES.

APRIL 5, 1860—Ordered to be printed.

Mr. HARLAN made the following

REPORT.

[To accompany Bill S. 371.]

The Committee on Public Lands, to whom was referred the petition of the settlers on the "Fort Atkinson military reservation and old Indian agency," praying the right of preëmption, have had the same under consideration, and respectfully report:

In reply to the inquiry made by your committee at the War Department, they were informed that "all the buildings and movable property on it were sold several years ago, and the site can never be required again for any military purpose. If the lands have not already been sold, it would be advisable to turn them over to the Department of the Interior."—(See letter hereto attached.)

On application to the Department of the Interior for information, the Commissioner of the General Land Office says:

"It appears, from the records of this office, that sections 8 and 17, the east half of section 7, and the east half of section 18, township 96 north, range 9 west, 5th principal meridian, Iowa, were reserved for Fort Atkinson by the Secretary of War, on 16th August, 1849, and relinquished as being no longer needed for military purposes, by his letter to the Secretary of the Interior of 10th January, 1851.

"The tracts described are now, therefore, in the category of lands within an abandoned military site, under the control of the War Department, and not subject to the operation of existing land laws through this office. By the sixth section of the act of 12th June, 1858, these lands are not subject to sale or preëmption under any of the laws of the United States; hence the application of the settlers to Congress for relief. Under the act approved July 30, 1856, vol. 11, p. 453, chap. 66, Mrs. Caroline Newington entered east half of section 7, and west half of section 8, township 96 north, range 9 west, for which a patent was issued."

The War Department, having abandoned these three sections of land, and Congress having authorized, by special act, the sale of the most valuable section, embracing the improvements and public buildings, at the minimum price, the people were justified in believing, and doubtless did believe, the residue to be subject to preëmption, as other public lands, as they allege in their petition. They have occupied and

improved these lands in good faith in quanties varying from forty to one hundred and sixty acres each. To exclude them from their homes and the improvements which constitute the total possessions of many of them, would be a hardship which your committee cannot recommend.

Your committee would also report that these lands are valuable only for agricultural purposes, and were not at the time of their settlement worth more than \$1 25 per acre. They, therefore, ask leave to report a bill for the relief of the petitioners.

QUARTERMASTER GENERAL'S OFFICE,
Washington, February 9, 1860.

SIR: I have the honor to report on so much of the letter of the honorable chairman of the Committee on Public Lands as relates to the site of Fort Atkinson and Leavenworth Island, that the latter is not included in any military reserve; and I therefore can say nothing in regard to it. The former was a military reserve; but all the buildings and movable property on it were sold several years ago, and the site can never be required again for any military purpose. If the lands have not already been sold, it would be advisable to turn them over to the Department of the Interior.

Bill No. 19 I do not find among the papers referred to this office.

I return the letter of the honorable chairman of the committee, with the several papers from the Department of the Interior which accompanied it.

I have the honor to be, sir, your obedient servant,

THOMAS S. JESUP.

Quartermaster General.

Hon. JOHN B. FLOYD,
Secretary of War, Washington, D. C.